



Dkt. 03129CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Group Art Unit: 1616  
CHANTAL AMALRIC et al Examiner: M. Lamm

Serial No.: 10/635,898

Filed: August 7, 2003

For: NOVEL TOPICAL COMPOSITIONS WITH AN OILY OUTER  
PHASE AND PROCESS FOR THEIR PREPARATION

AMENDMENT

Honorable Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed July 12, 2004,  
please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of  
claims which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

00000001 040753 10635896

10.00 DA

LAW OFFICES OF  
DENNISON, SCHULTZ, DOUGHERTY & MACDONALD  
SUITE 100  
1727 KING STREET  
ALEXANDRIA, VIRGINIA 22314-2700  
703 837-9600

*For purpose only*

Lahanas et al, one would not arrive at the claimed invention, and withdrawal of this rejection is requested.

Claims 14 and 15 have been rejected under 35 USC 103 over Briggs et al in view of either Ansmann et al or Milius et al, or Lahanas et al in view of Briggs et al and further in view of either Ansmann et al or Milius et al.

Lahanas et al and Briggs et al have been discussed in detail above, and Applicants rely on those discussions.

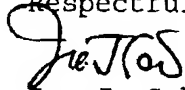
Ansmann et al and Milius et al have been cited to show the use of specific emulsifiers. While Ansmann et al and Millus et al do generally teach such emulsifiers, Briggs et al generally teaches against the use of emulsifiers, and specifically teaches against anionic emulsifiers based upon delipidization. In fact, the relevant examples of Briggs et al do not use an emulsifier.

Moreover, none of the references discloses a three-phase emulsion as presently claimed.

Thus, the combination of references cited in the Office action does not actually arrive at the claimed invention, and withdrawal of this rejection is requested.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



Ira J. Schultz  
Registration No. 28666

LAW OFFICES  
DENNISON, SCHULTZ, DOUGHERTY & MACDONALD  
SUITE 105  
1727 KING STREET  
ALEXANDRIA, VIRGINIA 22314-2700

703 637-9500